United Nations A/68/548

General Assembly

Distr.: General
25 October 2013

Original: English

Sixty-eighth session
Agenda items 76 (a) and 85

Oceans and the law of the sea

The rule of law at the national and international levels

Letter dated 23 October 2013 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to address you with respect to the list of geographical coordinates defining Nicaragua's straight baselines set forth in Nicaragua's Decree No. 33-2013 of 19 August 2013, deposited with the Secretary-General on 26 September 2013 and notified by M.Z.N.99.2013.LOS on 11 October 2013.

In this regard, Costa Rica would like to recall that, as reflected in the 1982 United Nations Convention on the Law of the Sea, which in this respect codifies customary international law, unless exceptional circumstances exist, baselines are to conform to the low-water line along the coast as marked on a State's official large-scale charts. Pursuant to article 7 of the Convention, straight baselines may be employed only in localities where the coastline is deeply indented and cut into, or where there is a fringe of islands along the immediate vicinity of the coast. Additionally, baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters. These exceptions are not applicable, inter alia, to the southernmost segment of Nicaragua's straight baseline connecting Great Corn Island (point 8) to Harbour Head (point 9) (segment 8-9). Segment 8-9 is inconsistent with the Convention and therefore invalid.

In particular, segment 8-9 would transform waters considered to be Costa Rican territorial sea and exclusive economic zone into Nicaraguan internal waters. Nicaragua's straight baseline claim would detract from the rights of other States, notably Costa Rica, to use the oceans. Furthermore, the coastline of the Costa Rican territory of Isla Portillos and other territorial rights mean that maritime zones generated therefrom are entirely subsumed within Nicaragua's unlawful internal waters claim, thus denying to Costa Rica its maritime entitlements derived from this coastal territory. On these grounds, the claim to a baseline joining points 8 and 9 is a violation of Costa Rica's sovereignty, sovereign rights and jurisdiction claimed pursuant to Costa Rica's Constitution in conformity with international law.

13-53115 (E) 281013

Please recycle

The Government of Costa Rica therefore objects to the claim described above as made by Nicaragua's Decree No. 33-2013 of 19 August 2013, which is not valid in international law, and reserves its rights in this regard.

In that regard, I would be grateful if the present letter could be circulated as a document of the General Assembly, under agenda items 76 (a) and 85. Upon instructions from my Government, I also request that this letter be sent to all relevant organs, bodies and entities of the United Nations, be posted on the website of the Division for Ocean Affairs and the Law of the Sea and be included in the next Law of the Sea Bulletin.

(*Signed*) Eduardo **Ulibarri**
Ambassador
Permanent Representative